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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,090	03/19/2004	William Kokonaski	13561/557	7894
826	7590	03/07/2007	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			POPE, DARYL C	
		ART UNIT	PAPER NUMBER	
				2612
SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE		
3 MONTHS	03/07/2007	PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/804,090	KOKONASKI ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
DARYL C. POPE	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 20 December 2006.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-54 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All   b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ . 5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### **ART REJECTION:**

#### ***Claim Rejections - 35 USC § 103***

2. Claims 1-50, and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rathus et al(Rathus) in view of Wong et al(6,943,773).

-- In considering claim 1, the claimed subject matter that is met by Rathus et al(Rathus) includes:

- 1) the flexible carrier material is met by the flexible page(5, column 5, lines 19-20);
- 2) the electronic display device associated with the material is met by the display screen(6) which is held by the flexible page(column 5, lines 19-20);
- 3) the controller coupled to display device and causing the device to display arbitrary content is met by the microprocessor(4, column 5, lines 31-39).

- **Rathus does not show:**

- 1) the controller being programmable, display arbitrary content;
- 2) the memory to store the content;
- 3) the electronic display device adapted to flexibly deform.

Although Rathus does not teach the microprocessor including a programmable controller and memory, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate programmable functions as well as

memory, such that of the controller(24, column 5, lines 52-60) of a second embodiment of the invention, since Rathus already desires to provide various functions and material to be utilized by a user of the system, and therefore incorporation of the programming functions and memory into the microprocessor would have insured the most versatile display system possible.

With regards to the electronic display adapted to flexibly deform, although not specifically shown by Rathus, use of electronic display devices being adapted to flexibly deform is well known in the art. In related art, Wong et al(Wong) discloses a flexibly deformable electronic paper display(20)(see: column 3, lines 23-50). Since the use of flexible display medium is well known as seen by Wong, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the flexible display(20) of Wong into the system of Rathus, since the flexible display medium would have allowed more flexibility as well as resistance to breakage upon deformation of the display medium.

-- With regards to claims 2-3, the menu capable of wireless communication and capable of electronically changing an advertisement is met by the printed matter taking the form of an advertisement(see: Rathus, column 5, lines 23 et seq) and the printed matter(1) being in wireless communication with a data server(2)(see: Rathus, column 5, lines 35-39).

-- In considering claims 4 and 6-7, with regards to the menu being capable of displaying a still image, being connectable to a network, and the World Wide Web, since the printed matter takes the form of a book, it would have been obvious that a still image

would have been displayed on the screen, since a catalog from a book would have been required to be still in order to be read.

Furthermore, since the microcontroller(4) is connected to the data server(2) which constitutes a network, it would have also been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the World Wide Web into the data server, since this would have helped provide the most extensive programming material to be displayed on the screen(6).

-- Claims 8-40 recite subject matter that is met as discussed in claims 1-7 above, as well as:

1) the poster, map, publication, and place mat is met by the printed matter in the form of a book, magazine, manual musical score, catalog, advertisement, newspaper, telephone, electronic service directory, or other like means(see: column 5, lines 22-25).

-- Claim 41 recites subject matter that is met as discussed in claim 1 above(see: Wong, column 3, lines 23-50).

-- With regards to claims 42-44, although Rathus does not specify the exact positioning of the display device, it would have been obvious that the display device would have been formed in, on, and/or positioned on the carrier material depending on which would have been most desirable to one of ordinary skill in the art at the time the invention was made, and as well, since any of the above stated positioning of the devices in relation to the carrier material is suggested as seen in figure 1(Rathus).

-- With regards to claim 45, the carrier material including static content is met by the printed score(57, figure 5, Rathus).

-- Claim 46 recites subject matter that is met as discussed in claim 1 above.

-- With regards to claims 47-48, although not specifically stated by Rathus, it would have been obvious to one of ordinary skill in the art at the time the invention was made that some form of power source would have been coupled to the display, since this would have been necessary in order for the display to operate properly in order to be enabled to display electronic media.

Furthermore, the examiner takes Official Notice that in the electronic display art, use of solar cells as a power source is well known, and therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a solar cell as the power source in the system of Rathus in view of Wong, since use of a solar cell would have reduced cost since it would have alleviated the need of constant replacement of a depleted power source.

-- With regards to claim 49, the memory comprising a removable memory device is met(see: Rathus, column 5, lines 52-60).

-- With regards to claim 50, the sensing device is met by the sensor(3)(Rathus).

-- With regards to claims 52-53, although not specifically disclosed in Rathus, the examiner takes Official Notice that in the electronic display art, use of touch screens and as well, electronic display devices that are laminated with water resistant protective layers are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a touch screen display into the display(6) of Rathus, since Rathus already desires to utilize a touch sensor(3) as a means of controlling the display of information on the screen(see:

column 5, lines 31-35), and therefore implementation of a touch screen display would have reduced circuit complexity by alleviating the necessity of having a separate touch sensor(3) while incorporating the functions of the touch sensor into the already existing display(6).

Furthermore, it would have also been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a water resistant protective layer into the display device, since this is a well known means of protecting sensitive electronic equipment from potentially harmful environmental elements.

-- With regards to claim 54, it would have been obvious that the display(6) would have included a menu, since a menu would have been necessary in order to navigate through the display in order to select the desired material to be displayed.

3. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rathus et al(Rathus) in view of Wong et al(Wong) as applied to claim 1 above, and further in view of Blotky et al(6,788,283).

-- With regards to claim 51, although not disclosed in Rathus in view of Wong, use of a sensing device comprising a motion sensor in an electronic display apparatus is well known. In related art, Blotky et al(Blotky) discloses an electronic display which incorporates a motion sensor in the form of switch(68) which incorporates a proximity switch, thereby indicating motion(see: Blotky, column 4, lines 7-13).

Since the use of motion sensors is for electronic displays is well known as seen by Blotky, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the switch(68) of Blotky into the device of Rathus in

view of Wong, since this would have provided another means of determining display of particular information based on detection of movement.

**REMARKS:**

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-54 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DARYL C. POPE whose telephone number is 571-272-2959. The examiner can normally be reached on M-TH 9:00-7:30.

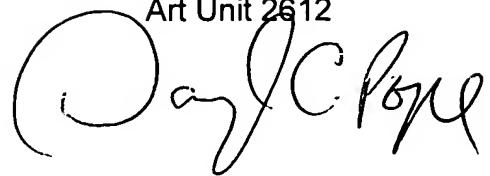
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DANIEL WU can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Daryl C. Pope

March 4, 2007

DARYL C POPE  
Primary Examiner  
Art Unit 2612

A handwritten signature in black ink that reads "Daryl C. Pope". The signature is fluid and cursive, with "Daryl" on the top line and "C. Pope" on the bottom line.